

REMARKS

Reconsideration and allowance of the present application are requested.

Claims 1-30 remain pending in the application.

In numbered paragraph 2 on page 2 of the Office Action, minor objections are raised with respect to claims 27 and 29. The issues raised by the Examiner have been addressed, such that withdrawal of these objections is requested.

In addition, withdrawal of the objections under 35 U.S.C. §112 in paragraph 4 of the Office Action, is requested in light of the foregoing amendments. Use of terms, such as "encrypted file" and "authorization" in claim 30 is considered proper, and withdrawal of all objections under 35 U.S.C. §112 is requested.

Independent claims 1, 18, 20-22 and 24 remain pending in the application. Of these, independent claims 1 and 20-22 were rejected in numbered paragraph 6 of the Office Action as being unpatentable over U.S. Patent No. 6,226,618 (Downs et al) in view of Patent Publication 2003/0194988 (Knox). On page 29 of the Office Action, independent claims 18 and 24, along with various dependent claims, were rejected as being unpatentable over the Downs patent in combination with U.S. Patent No. 6,868,402 (Hiroya). These rejections are respectfully traversed, as the documents relied upon by the Examiner, fail to teach or suggest Applicants' invention as set forth in the independent claims.

In rejecting independent claim 1 on pages 5-6 of the Office Action, the Examiner relies primarily on the Downs patent with reference to Figures 1A and 6, and with reference to column 23, lines 4-8, column 24, lines 9-14, column 19, lines 30-33, column 10, lines 19-23 and 61-65.

On page 6, the Examiner acknowledges deficiencies of the Downs patent.

Here, the Examiner states: "However, Downs does not disclose the shared secret in encoded form that functions as an identifier of the device, and receiving the shared secret in plaintext form via a secure communications channel." The Examiner relies upon the Knox document, with reference to paragraph [0016] of this document, and asserts that it would have been obvious to combine teachings of the Downs and Knox documents. The Examiner asserts that such a combination would have been obvious because:

...communication between mobile devices and landline devices using fewer number of packet so as to increase transmission in efficiency in mobile devices of limited computing resources and to reduce additional complication to the customer registration process ([Knox, 0009], lines 4-5).

(See Office Action at page 6, fourth paragraph)

This rejection of claim 1 is respectfully traversed. Applicants' claim 1 combination is directed to a method for facilitating content downloads via an insecure communications channel. The claim 1 method includes, among other features, providing from a device via an insecure communications channel, at least one shared secret in encoded form that functions as an identifier of the device; transmitting encrypted content via the insecure communications channel from a content server to the device; providing the shared secret in plaintext form via a secure communications channel; providing a confirmation authorizing release of a decryption key; and sending the decryption key to the device for decryption of the encrypted content.

Applicants' Figure 1 depicts an exemplary embodiment of the present invention, wherein each of the PDAs 2-4 can wirelessly communicate via a wireless local network 5. A wireless communication channel 5 is considered an insecure

channel, vulnerable to intruders. In an exemplary implementation, upon finding a wireless access point for which the PDA can communicate, the PDA invokes a DHCP protocol to acquire an IP address.

Upon entry into a hotspot region 1, the PDA receives a list of available access points from which it chooses an access point. In an exemplary embodiment, the PDA acquires an IP address via the DHCP, and initiates a background daemon to probe the network for a media file download service, such as that provided by content server 6. For example, the content server 6 can offer a selection of movie titles or other media files for download. As described on specification page 6, in an exemplary implementation, an encrypted file may be a media file. The content server 6 as described in the last paragraph on specification page 6, can also be in communication with a payment server 8 through a secure channel 7. The secure channel can provide additional protection against third parties. Download confirmation or authentication from the payment server 8 can be provided, as described on specification page 7, first paragraph.

The foregoing features, broadly encompassed by independent claim 1, are neither taught nor suggested by the documents relied upon by the Examiner. The Downs patent is directed to an electronic content delivery system over global communications networks such as the Internet.

The Knox patent is directed to a multiple service provider prepaid wireless service card, such as prepaid cards of wireless service providers.

It would not have been obvious to have combined the documents in the manner suggested by the Examiner. Moreover, even if these documents could have been combined, the presently claimed invention would not have been resulted.

For example, neither of these documents, considered alone or in combination, teach or suggest Applicants' claim 1 combination. There would have been no teaching or suggestion as to how the prepaid service card referenced in paragraph [0016] of the Knox document could have been incorporated with the system of the Downs patent to arrive at Applicants' presently claimed invention. Moreover, registration of a prepaid phone card service does not constitute a shared secret in encoded form that functions as an identifier of a device (Applicants' claim 1), nor does this registration function constitute providing the same shared secret in plain text form via a secure communications channel.

The Knox document therefore fails to overcome deficiencies of the Downs patent acknowledged by the Examiner. Claim 1 is therefore allowable. Claims 20-22 recite similar features, and are therefore also allowable for similar reasons.

With regard to claims 18 and 24, the Hirota document fails to overcome the deficiencies of the Downs patent noted by the Examiner on page 30 of the Office Action. Hirota is directed to a document transmit system. Contrary to the Examiner's assertion on page 31 of the Office Action, it would not have been obvious to have combined features of the Downs and Hirota documents to arrive at Applicants' presently claimed invention. These documents, even when considered in combination, would not have taught or suggested sending a shared secret in encoded form via an insecure communications channel, sending Applicants' claimed confirmation value, or decrypting a downloaded decryption key using such a shared secret, as recited in Claims 18 and 24. As such, independent claims 18 and 24 are also allowable.

In light of the foregoing, independent claims 1, 18, 20-22 and 24 are allowable, as are all claims which depend therefrom.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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